

FILED

2011 MAR -9 AM 11:32

LYNN FAZZ
CLERK OF SUPERIOR COURT
YUMA ARIZONA 85364

1
2
3
4
5
6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF YUMA

8 In the Matter of:

9 **CRIMINAL HISTORY INFORMATION**

} Administrative Order
2011-06

10
11 Since the Court must consider the defendant's past criminal history, at, among
12 other times, release hearings, presentence and sentence hearings, the data
13 concerning past arrests and convictions are critical to the ends of justice.
14

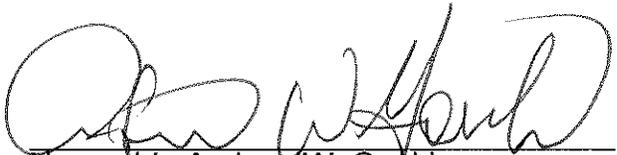
15 Such data must be provided to defense counsel pursuant to Rule 15,
16 Ariz.R.Crim.Proc. and it may be relevant at hearings and trials pursuant to Rule 404,
17 Arizona Rules of Evidence. This information is both discoverable and relevant (both
18 as evidence and sentencing data), and it is clearly appropriate for the Adult Probation
19 Department to include the information in Presentence Information Reports.
20

21 Due process of law does not allow the State of Arizona or its judges to use
22 evidence or information which is not also available to the defendant. Failing this, the
23 evidence must be excluded for any purpose, an impractical result.
24

25 IT IS THEREFORE ORDERED that criminal defense counsel shall have
26 access to, and be provided with their clients' criminal history record, data and
27 information and,
28

1 IT IS FURTHER ORDERED that access is limited to defendants' counsel of
2 record and is, further, limited to that period of time when counsel is representing that
3 defendant.

4 DATED this 8th day of March, 2011.

6
7
8 
9 Honorable Andrew W. Gould
10 Presiding Judge

11 **Copies to:**

12 Hon. Andrew W. Gould
13 Hon. Mark Wayne Reeves
14 Hon. John N. Nelson
15 Hon. John Paul Plante
16 Hon. Maria Elena Cruz
17 Hon. Lynn Fazz, Clerk of the Superior Court
18 Hon. John Smith, County Attorney
19 Margaret C. Guidero, Court Administrator
20 Michael Breeze, Yuma County Public Defender
21 Jose de la Vara, Yuma County Legal Defender
22 Steve Hardy, Yuma County Adult Probation
23
24
25
26
27
28